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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,965	09/27/2001	Richard W. Pollmiller	DN 1785	4866

24264 7590 03/18/2003

TIMOTHY J MARTIN, PC
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LAKEWOOD, CO 80226

EXAMINER

AVERY, BRIDGET D

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 03/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/966,965

Applicant(s)

POLLMILLER, RICHARD W.

Examiner

Bridget Avery

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 17-22 and 25-29 is/are rejected.
- 7) ☒ Claim(s) 15, 16, 23 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Election/Restrictions

1. The present application includes Species/Figures directed to two patentably distinct inventions. The patentably distinct Species include Species I (Figures 4-12) and Species II (Figures 13-15)
2. Applicant's election without traverse of Species I (Figures 4-12) in a telephone conversation with Timothy Martin on February 21, 2003 is acknowledged.
3. An action on the merits of claims 1-29 follows.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 recites the limitation "the openings" in line 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-14, 18-22 and 26-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Patterson (US Patent 6,155,578).

Patterson teaches a snow riding system for a rider wearing boots including an elongate snowboard (10) having a longitudinal board axis (23), an upper surface adapted to support the rider and a lower surface opposite the upper surface to glide on a snow covered area where the snowboard (10) includes a first set of attachment bores (22) formed in the upper surface, a second set of attachment bores (22) formed in the upper surface at a location longitudinally spaced from the first set of attachment bores (22), a first binding (12') adapted to receive a first boot (boots disclosed in column 4, line 37) of the rider and being fixedly attached to the upper surface of the snowboard (10) by means of first fasteners (62) that are received in at least some of the attachment bores (22) in the first set, a second binding (12') adapted to receive a second boot of the rider where the second boot includes a longitudinal boot axis, the improvement including a mount (36) adapted to secure the second binding (12') to the snowboard (10), the mount (36) including: a base member (40) formed as a plate and adapted to affix to the support surface of the snowboard (10) by means of second fasteners (62) that are received in at least some of the attachment bores (22) in the second set thereby to define a mounted state, the base member (40) having a circular opening (54) formed therein and including a radially inwardly projecting flange (56); a disc shaped

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coupling member (42) rotatably disposed in the circular opening (54) in the base member (40) to define a nested state (as shown in Figure 4), the coupling member (42) including an outwardly projecting lip/perimeter margin operative to engage the flange (56) (also shown in Figure 4) and having a bottom surface adapted to confront the upper surface of the snowboard where the lip is secured between the flange and the snowboard (10) in the coupled state, the coupling member (42) having a plurality of openings (52) adapted to receive fasteners (62) adapted to secure the second binding (12') thereto; and a latch (70) associated with the base member (40) and the coupling member (42), the latch (70) being movable between a locked state to lock the coupling member (42) and the base member (40) against relative rotation when the coupling is in a primary position, and an unlocked state thereby to permit relative rotation between the coupling member (42) and the base member (40). The base member (40) includes an array of positioning holes (64) which permits the base member (40) to be mounted in at least three different orientations relative to the longitudinal axis (23) of the snowboard (10). The array including a first pair of holes (64) oriented along a first line and spaced a selected distance apart from one another, a second pair of holes (64) oriented along a second line and spaced the selected distance apart from one another and a third pair of holes (64) oriented along a third line different from the second line and spaced the selected distance apart from one another, each of the second and third lines being oriented at an angle with respect to the first line where the first and second pairs of holes (64) are located at corners of a first rectangle and where the first and third pairs of holes (64) are located at the corners of a second rectangle (See Figure 7). The

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coupling member (42) and the base member (40) are coplanar flat plates when in the nested state. The base member (40) has a first latch bore (68) and the coupling member has a second latch bore (44a, 44b), the first and second latch bores (68, 44a, 44b) positioned to coaxially align with one another when the base member (40) and the coupling member (42) are in the primary position, the latch including a movable rod (70) disposed in the first latch bore (68) and operative to extend into the second latch bore (44a, 44b) when in the locked state. The movable rod (70) is biased toward the locked state (as described in column 6, lines 61-67). Further, the coupling member (42), the base member (40), and the latch (70) are formed of a material chosen from metal, plastic, and a combination of metal and plastic (as described in column 10, lines 23-26). Patterson also teaches the method of supporting a binding of a boot on a support surface of a snowboard which includes the steps of: providing a coupling member having a top surface that is securable to the binding and a bottom surface; placing the coupling member so that the bottom surface confronts the support surface of the snowboard; constraining the coupling member for rotation about a rotational axis that is perpendicular to the support surface while maintaining the bottom surface in confronting relationship to the support surface; securing the binding to the coupling member; and locking the coupling member in a first rotational position and permitting rotation between the first rotational position and a second rotational position. See column 5, lines 18-67 and column 6, lines 1-60.

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 17 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patterson ('578) in view of Hale et al. (US Patent 5,499,837).

Patterson teaches the features described above.

Patterson lacks the teaching of threaded openings in the coupling member.

Hale et al. teaches a cover plate (17) with threaded bores (29).

Based on the teachings of Hale et al., it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to modify the coupling member of Patterson to include threaded bores to permit unrestricted connection and disconnection of the apparatus for inspection and replacement of damaged or worn parts.

Allowable Subject Matter

7. Claims 15, 16, 23 and 24 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

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8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Eglitis et al. shows an angularly adjustable snowboard binding mount.

Sabol shows a safety rotatable snowboard boot binding.

Berger et al. shows a snowboard binding.

Reynolds shows a dual-locking automatic positioning interface for a snowboard boot binding.

Acuna shows an angularly adjustable snowboard boot binding.

Graf et al. shows a binding for a sports apparatus.

Gorza et al. shows an angular adjustment device particularly for a snowboard binding.

McKenzie et al. shows a pivotally adjustable binding for snowboards.

Ricks et al. shows swivelable snowboard bindings.

Eaton et al. shows foot mounts for snowboards.

Erb shows a snowboard binding.

Lauer shows a rotary locking feature for snowboard binding.

Dawes et al. shows an adjustable snowboard boot binding apparatus.

Metzger et al. shows a rotatable binding for snowboard.

Erb shows another snowboard binding.

Napoliello shows a releasable mounting for a snowboard binding.

Vetter et al. shows a boot binding coupling for snowboards.

Carpenter et al. shows a snowboard binding system

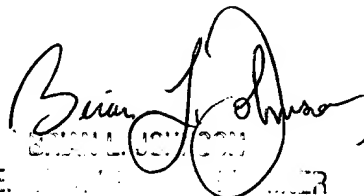
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Keeling et al. shows a safety ski binding.

9. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 703-308-2086.


Avery

March 7, 2003


BRIAN JOHNSON
SPECIAL AGENT IN CHARGE
TECHNICAL SERVICES DIVISION
3/10/03